

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: BOUJARD, Claude et al.

SERIAL NO.: 10/560,518

ART UNIT: 4117

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EXAMINER: Khanna, M.

TITLE: REMOTE CONTROL METHOD AND DEVICE CONTROLLED FROM
COMMUNICATING TERMINALS

Amendment A: REMARKS

Upon entry of the present amendments, previous Claims 1 - 11 have been canceled and new Claims 12 - 21 substituted therefor. Reconsideration of the rejections, in light of the forgoing amendments and present remarks, is respectfully requested. The present amendments have been entered for the purpose of distinguishing the present invention from the prior art and also for the purpose of placing the claim language into a more proper U.S. format.

In the Office Action, Claims 1, 2, 4 and 11 were rejected under 35 U.S.C. § 102(e) as anticipated by the Carapelli publication. Claims 3, 5, 6 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Carapelli publication in view of the Silberberg publication. Claims 7, 8 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Carapelli publication in view of the Banerjee publication. Claim 1 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claim 5 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The claims were also objected to because of various informalities.

As an overview to the present reply, Applicant has revised original Claims 1 - 14 in the form

of new Claims 12 - 21. New Claims 12 - 21 express the original limitations in a more proper U.S. format, including proper antecedent bases and proper structural interrelationships throughout. Any indefinite terminology found in the original claim language has been corrected herein.

In particular, so as to distinguish the present invention from the prior art Carapelli publication, new independent Claim 12 incorporates the limitations of previous independent Claim 1, along with the limitations of dependent Claim 4. In particular, new independent Claim 12 includes the step of "verifying an availability of said remote-controlled computer system by said centralized computer system". This step is neither shown nor suggested by the prior art Carapelli publication.

The Carapelli publication describes a "functioning state" instead of an "availability state" as in the present application. As was stated in [0042] of the Carapelli publication:

The operator 4 then receives the code 8 and associates it to the corresponding IP address of is the vending machine, both contained in the data base DB1, so that it can check, for example, the *functioning state* of the vending machine 2 and to authorise the machine to perform a sale. [Emphasis supplied]

It is clear that a functioning system could be unavailable and that an available system could be dysfunctional. A "functioning system" may be occupied or not, i.e. available or not. The concepts are clearly different. As such, Applicant contends that new independent Claim 12 is not anticipated by the prior art Carapelli publication.

New dependent Claims 13 - 14 correspond, respectively, to the limitations of previous dependent Claims 2 and 3. New dependent Claims 15 - 20 correspond, respectively, to the limitations found in previous dependent Claims 5 - 10. New independent Claim 21 incorporates the limitations of previous independent Claim 11 and also includes the limitations of "a means for

verifying an availability of said remote-controlled computer system by said centralized computer system" so as to properly distinguish the present invention, as defined by independent Claim 21, from the Carapelli publication.

Based upon the foregoing analysis, Applicant contends that new independent Claims 12 and 21 are now in proper condition for allowance. Additionally, those claims which are dependent upon these independent claims should also be in condition for allowance. Reconsideration of the rejections and allowance of the claims at an early date is earnestly solicited. Since no new claims have been added above those originally paid for, no additional fee is required.

Respectfully submitted,

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